

REMARKS

This paper is in response to the Final Office Action mailed on January 19, 2006 and is timely filed within three months of the mailing date of the Action. In the Office Action, claims 1-27 are pending. Of those claims, claims 10, 12, 16, 18, and 19 are allowed. Claims 1-9, 11, 13-15, 17, and 20-27 are rejected. By this response, claims 1-3, 4, 8, 13, 15, 17, 20-22, and 24-26 are amended. All other claims remain unchanged.

In the detailed action, the Examiner objected to the drawings for failure to include numerals 58X and 76B and a reference line for numeral 170 in FIG. 21. Applicant respectfully points out that numeral 76B was included on replacement sheet 11, submitted on October 17, 2005 and approved in the instant action. Replacement sheets 4 and 21 are enclosed herewith for approval with the changes made as noted.

Claims 3, 4, 8, 13, 15, 17, and 20-27 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Claims 3, 8, and 22 have been amended as has been suggested by the Examiner. Claim 4 has been amended to depend from claim 2 and provide a clear antecedent basis for the phrase "the container." Claim 13 has been amended to depend from claim 9. Claim 15 is amended to more particularly point out and distinctly claim its subject matter. Claim 17 has been amended to depend from claim 18, which provides clear antecedent basis for

the phrase "a pivoting plate." Claim 20 has been amended to provide proper antecedent basis for the phrase "loader arm" and "loader" within the body of the claim. Claim 21 has been amended to claim an attachment mounted on the support on the mounting of claim 20.

With respect to claim 23, claim 20 has been amended so that a link mechanism is recited as "having a second end adaptable to be pivotally mounted onto a portion of the loader..." Applicants respectfully submit that the amendment to claim 20 renders 23 as being consistent with the claim material in claim 20. Claims 24-26 have been amended to recite subject matter that is consistent with the amendments made in claims 20 and 21.

In light of the amendments discussed above, Applicants respectfully submit that claims 3, 4, 8, 13, 15, 17, and 20-27 are in a form that particularly point out and distinctly claim the subject matter that the Applicants regard as the invention for each of the claims. Withdrawal of the rejection for each of these claims is respectfully requested.

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by the U.S. Patent 5,647,721 of Rohrbaugh. Applicants respectfully disagree that Rohrbaugh teaches or suggests all of the features recited in claim 1. Nevertheless, the Applicants have made a clarifying amendment to claim 1 to more particularly point out and distinctly claim the subject matter of the invention. As amended, claim 1 recites the feature of "lift arms coupled to at least one actuator ... whereby actuation of the actuator causes relative movement between the lift arms and

the other portions...." Thus, the invention recited in claim 1 includes the feature of a lift arm coupled to an actuator. It is the actuation of the actuator that causes relative movement between the lift arms and the other portions of the loader.

By contrast, Rohrbaugh teaches a hydraulic cylinder directly coupled between the frame and a dumping bed. It neither teaches nor suggests lift arms, rather its actuator is directly coupled to the dumping bed. Thus, Rohrbaugh does not teach lift arms coupled to at least one actuator. For at least this reason, it is respectfully submitted by the Applicants that claim 1 is allowable over Rohrbaugh. Withdrawal of the rejection is requested.

Claims 9, 11, and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by British Patent Specification 757,638 of Austin. Applicants respectfully traverse the argument.

Claim 9 recites the features of a loader having a frame with "at least one lift arm thereon that is pivotally mounted to the frame and has an outer forward end...." Claim 9 further recites the features of an attachment "on the at least one lift arm, said attachment being pivotally supported on the at least one lift arm adjacent the outer forward end, with the pivotal mounting to the rear of the outer forward end of the at least one lift arm...."

Austin shows an attachment attached to a plurality of lift arms. However, none of the attachment points are located to the rear of the outer forward end of the lift arm to which it is attached. The Office Action

has pointed to arm 11 as an example of a lift arm attachment point that is to the rear of an outward end. However, it is clearly shown in Figure 2 that the attachment is, in fact, attached at the outward end of lift arm 11. For at least this reason, Applicants submit that claim 9 and its independent claims 11 and 14 are allowable over the Austin reference. Withdrawal of the rejection is requested.

Claims 20, 21, 22, and 25 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Austin. Applicants respectfully disagree with the Office Action's assertion, but nevertheless amend claim 20 to clarify the invention recited therein. Claim 20 is directed toward a mounting for a work attachment connectable to a loader arm which is movable relative to a loader frame. The mounting includes a support and a "pivot on said support for operable pivotable mounting to the loader arm, and a link mechanism operably pivotally connected to the support at one end, and the link mechanism having a second end adaptable to be pivotally mounted onto a portion of the loader, the portion of the loader and the pivot mount being movable relative to each other when the pivot mount is mounted on the loader arm." (Emphasis added.) Thus, the mounting recited in claim 20 allows for pivotable movement under operation between the mounting and the loader arm at one connection and between a link mechanism and the support at another connection.

By contrast, Austin teaches a bucket that is attached to linkages 11 and 18. The bucket is also connected to an adjustable screw link 15 "to adjustably

hold [the bucket] in operative position." The device taught in Austin provides for neither a pivot mount with an operable pivotable mounting to the loader arm nor a link mechanism operably pivotally connected to the support. Instead, the links and lift arm are held in on position with respect to the bucket during operation. This allows for the bucket "to move in a straight overhead arc." However, it does not allow the pivot mount to be movable relative to the pivot mount in the second end of the link mechanism as recited in claim 20. For at least this reason, Applicants submit that the Austin reference neither teaches nor suggests the features recited in amended claim 20. Thus, Applicants request that the rejection of claim 20 and its dependent claims 21-22 and 25 be withdrawn.

Claims 2, 3 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rohrbaugh. Claims 2, 3, and 5 are all dependent from claim 1, which is believed to be allowable. For at least that reason, Applicants submit that claims 2, 3, and 5 are allowable over Rohrbaugh. Withdrawal of the rejection is respectfully requested.

Claims 6-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rohrbaugh in view U.S. Patent 2,176,874 of St. John. Claims 6-8 are all dependent on claim 1, which is believed to be allowable. For at least this reason, Applicants submit that claims 6-8 are allowable as well. Withdrawal of the rejection is requested.

Applicants acknowledge and thank the Examiner for recognition that claims 10, 12, 16, 18, and 19 contain allowable subject matter. The Office Action has objected

to these claims as being dependent upon a rejected base claim. However, in view of the comments and amendments made in this paper, Applicants submit that claims 10, 12, 16, 18, and 19 are allowable as written. Withdrawal of the objection and allowance of the claims is requested.

In summary, claims 1-27 are believed to be allowable. All amendments made to the claims have been made either in response to § 112 rejections or are minimal changes to clarify the invention. Therefore, entry of this amendment and favorable action is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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